

Sample Letter

DENIAL LETTER

[Insert Inside Mailing Address]

RE: Freedom of Information Act Request EPA-XX-XXXX-XXXXX

Dear (Name of Requestor):

This is in response to your Freedom of Information Act request of (request date), concerning (nature of request).

We are unable to provide you with the requested records because they are exempt from mandatory disclosure under 5 U.S.C. 552(b) [cite the exemption or exemptions]. An itemized list of the records which are being withheld, along with the basis for withholding, is provided on the enclosure to this letter (or you may list the record in the letter).

You may appeal this denial to the National Freedom of Information Officer, U.S. EPA, FOIA and Privacy Branch, 1200 Pennsylvania Avenue, N.W. (2822T), Washington, DC 20460 (U.S. Postal Service Only), FAX: (202) 566-2147, E-mail: FOIA_HQ@epa.gov. Only items mailed through the United States Postal Service may be delivered to 1200 Pennsylvania Avenue, NW. If you are submitting your appeal via hand delivery, courier service or overnight delivery, you must address your correspondence to 1301 Constitution Avenue, N.W., Room 6416J, Washington, DC 20004. Your appeal must be made in writing, and it must be submitted no later than 30 calendar days from the date of this letter. The Agency will not consider appeals received after the 30 calendar day limit.

The appeal letter should include the FOIA tracking number listed above. For quickest possible handling, the appeal letter and its envelope should be marked "Freedom of Information Act Appeal."

Sincerely,

(Division Director Level or Above)

Enclosure: (Index of Withheld Documents)

NOTE: If you are using Exemption 5, cite the specific privilege (e.g., deliberative process privilege). If you are using Exemption 7, cite the particular subsection of 7 (i.e., (A), (B), etc.)